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SIPDIS

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TAGS: [ECON](#) [PGOV](#) [KCOR](#) [EFIN](#) [YM](#)
SUBJECT: CORRUPTION ROUNDUP: YEMENI INSTITUTIONS (STILL)
CANNOT WASH DIRTY HANDS CLEAN

REF: SANAA 209

Classified By: CDA Angie Bryan for reasons 1.4 (b) and (d)

¶1. (U) SUMMARY. Yemen is gradually fighting corruption through a number of anti-corruption institutions, including the Central Organization for Control and Auditing (COCA), the Public Prosecutor's office, the Supreme National Authority for Combating Corruption (SNACC), and the High Tender Board. NGOs such as Yemen Parliamentarians Against Corruption (Yemen PAC) are adding to the fight against corruption by strengthening ties between the ROYG and civil society. Inadequate anti-corruption laws are major challenges to fighting corruption in Yemen, as is Yemen's endemic bribery and nepotism. END SUMMARY.

YEMEN'S ANTI-CORRUPTION INSTITUTIONS

¶2. (U) The Central Organization for Control and Auditing (COCA), the oldest anti-corruption institution in Yemen, was established in 1967 in the former People's Democratic Republic of Yemen (PDYR) and in 1974 in North Yemen. According to a 1992 law, it works as the auditor general of the ROYG and is similar to the U.S. General Accounting Office (GAO). COCA audits all government bodies as well as corporations which are wholly or partially owned by the government. Abdullah Abdullah al-Sanafi, President of COCA, told EconOff on May 17 that COCA is responsible for financial, compliance, and performance audits. The length of the audits varies case by case and can last anywhere from 15 days to six months or more. According to Sanafi, COCA refers criminal cases to the Public Prosecutor's office and submits reports of its activities to the Shoura Council, Parliament, and President. These include individual audit reports, quarterly reports, yearly reports, and ad hoc assignments. Sanafi told EconOff that COCA's relative independence (in comparison with other anti-corruption institutions) is its biggest asset, but also its biggest challenge. Due to the independence, it is hard to find a governmental body to do a peer review of COCA's effectiveness as an anti-corruption institution. (Note: In spite of Sanafi's assertion of COCA's independence, its reports are submitted directly to the President, who has the power to veto them. End note.)

¶3. (U) Established in 1992, the Public Prosecutor's office conducts the actual investigations into corruption cases. These cases can take anywhere from one week to two years to complete, according to Ali al-Aawash, Public Fund Prosecutor Expert. Aawash told EconOff on May 18 that the Public Prosecutor's office investigated 2400 cases last year, but currently has 600 cases pending due to a lack of evidence. Aawash told EconOff that the ROYG should focus more on preventing corruption before it happens, rather than prosecutions after the fact. Aawash indicated that anti-corruption institutions responsible for preventing corruption were ineffective in preventing corruption (reftel)

and thus create more investigative work for the Public Prosecutor,s office.

14. (C) The Supreme National Authority for Combating Corruption (SNACC), created in July 2007, is the governmental body responsible for corruption prevention, investigation, and education. SNACC was established as an umbrella institution to connect anti-corruption institutions and assist them in fighting corruption. Nine of SNACC,s eleven members are nominated by the Shoura Council and elected by Parliament. Only two members come from outside of the Shoura Council,s list and are also vetted by Parliament. Saadaldeen Talib, Member of SNACC and Head of the International Cooperation Sector, is skeptical of SNACC,s ability to combat corruption. Talib told EconOff on April 26 that SNACC has not established credibility within the ROYG and that cooperation between anti-corruption institutions is not fantastic.⁸ He criticized the process for choosing SNACC members. According to Talib, of the over 100 pending cases in SNACC, only one person has been officially charged. Overall, he described SNACC as an inefficient institution which furthers miscommunications and misunderstandings between the anti-corruption institutions that it ostensibly coordinates.

15. (U) Established only in December 2007, the High Tender Board is the newest anti-corruption institution on the scene. Mohammed Ahmed al-Junaid, Head of the High Tender Board, told EconOff on May 25 that the Board reviews tenders up to USD one million and assesses them for legality. Still in its infancy, the High Tender Board has trained people in the governorates to the district level.

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NGOS ADD TO FIGHT AGAINST CORRUPTION

16. (U) Yemen Parliamentarians Against Corruption (Yemen PAC), a National Democratic Institute (NDI)-established NGO made up of members of Parliament, partners with other NGOs and official anti-corruption institutions to fight corruption. As the Yemeni branch of Arab PAC, Yemen PAC believes that the main problem is politics. Yemen PAC monitors the activities of anti-corruption institutions and provides oversight for their activities. It also attempts to shepherd through government anti-corruption laws which would otherwise get stuck in committee. Salem Ahmed Bintalib, member of Yemen PAC and Counselor to the President, said that Yemen PAC is not popular, but has made much progress in bringing Parliament into the anti-corruption process. With support from an NDI small grants program, civil society organizations (CSOs) partnered with SNACC to combat corruption. According to Heather Thierren, Resident Director of NDI, the program achieved a credible impact in combating corruption by making diverse groups within society aware of anti-corruption efforts, forming networks and coalitions in areas such as Marib, Taiz and Aden, and establishing monitoring and awareness committees.

ANTI-CORRUPTION LAWS STILL SOMEWHAT SHADY

17. (C) Officials overwhelmingly identified the existing anti-corruption laws as the major challenge to fighting corruption in Yemen. The corruption law, which came into existence in 2006, is short of action,⁸ according to the High Tender Board,s al-Junaid. The law restricts the prosecution of governmental officials to the deputy ministerial level and below. A parliamentary vote of one third or greater is needed to prosecute anyone above the deputy ministerial level. Aawash of the Public Prosecutor,s office told EconOff on May 18 that the law needs to expand the type of crimes considered corruption. Despite weekly meetings with SNACC, Yemeni anti-corruption institutions have been unable to amend the law. COCA,s Sanafi identified the

compliance law (a subset of the corruption law) as defective in terms of auditing revenue and expenditure. Yemen PAC, which facilitated meetings about the corruption law in the past, does not appear motivated to change the law at this time.

COMMENT

18. (C) The fight against corruption in Yemen is challenged by a corruption-wrought culture in which bribery and nepotism are endemic. An overly complex governmental system, in which the existing anti-corruption institutions do not coordinate with one another, only adds to the confusion. While the successes of NGOs and CSOs offer hope, the lack of a rigorous anti-corruption law only goes to show that Yemeni institutions still have a long way to go before they can and are willing to wash dirty hands clean of corruption. END COMMENT.

BRYAN